

Sep 13, 2018

SEAN F. McAVOY, CLERK

UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF WASHINGTON

UNITED STATES OF AMERICA,

Plaintiff,

v.

DOUGLAS JAMES PHIPPS,

Defendant.

NO. 4:16-cr-06050-SAB

**ORDER ACCEPTING  
DEFERRED PROSECUTION  
AGREEMENT**

A hearing was held on September 13, 2018. Defendant was present and represented by J. Stephen Roberts, Jr. The United States was represented by Assistant United States Attorney Scott Jones. The parties agreed to enter into a Deferred Prosecution Agreement (the "Agreement").

Having read and considered the parties' Agreement, and being fully advised of the facts and circumstances of this case, the Court makes the following findings of fact:

1. Defendant has agreed to comply with the terms and conditions of the Agreement.
2. Defendant has acknowledged that the facts as set forth in the Factual Basis of the Agreement are accurate and would likely constitute a sufficient factual basis to support a judicial finding of guilt on the charged violation, after a stipulated-facts bench trial.
3. Defendant's statements have been made knowingly and voluntarily

1       4. Defendant has knowingly and intelligently waived the  
2 constitutional and statutory rights set forth in the Agreement.

3       Accordingly, **IT IS HEREBY ORDERED:**

4       1. The Court **ACCEPTS** and **APPROVES** the Agreement without  
5 making any conclusions regarding the Factual Basis at this time. The Agreement  
6 will be entered on the Court's docket as of the date of this Order.

7       2. The Court **ACCEPTS** and **APPROVES** Defendant engaging in the  
8 Deferred Prosecution Agreement from the date of this Order through September  
9 13, 2021, pursuant to the terms of the Agreement.

10       3. Defendant shall comply with all the terms and conditions set forth in  
11 the Agreement.

12       4. If, prior to September 13, 2021, the Court finds the Defendant has  
13 violated any term of the Agreement, the Court may revoke this Order, conduct a  
14 stipulated-facts bench trial, and if after any finding of guilty proceed to sentencing  
15 on the underlying offense charged in the Indictment and enter judgment  
16 accordingly.

17       5. The case is continued until September 13, 2021. If Defendant  
18 complies with the terms of the Agreement, the Court will entertain a motion to  
19 dismiss the case with prejudice at that time, without a hearing. If the United States  
20 makes an allegation that Defendant has failed to comply with terms of the  
21 Agreement prior to that date, the Court will conduct a hearing on the alleged  
22 violation of the Agreement, at the Court's convenience.

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1           6. Pursuant to 18 U.S.C. § 3161(h)(2), the time between September 12,  
2 2018, the date the Agreement was signed, until September 13, 2021, the date the  
3 Agreement is set to expire, is **DECLARED EXCLUDABLE** for purposes of  
4 computing time under the Speedy Trial Act. In addition, the Court finds that the  
5 ends of justice served by such a continuance outweigh the public's and  
6 Defendant's interest in a speedy trial.

7           **IT IS SO ORDERED.** The District Court Executive is hereby directed to  
8 enter this Order and furnish copies to counsel.

9           **DATED** this 13th day of September 2018.



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A handwritten signature in blue ink, reading "Stanley A. Bastian", is written over a horizontal line.

17           Stanley A. Bastian  
18           United States District Judge  
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